

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

11 CV 7331
Jones

PLAINTIFFS	DEFENDANTS
David A. Radke	Motors Liquidation Company
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. 158

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY) **NATURE OF SUIT**

TORTS			ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	[] 400 STATE	
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 620 OTHER FOOD &	28 USC 158	[] 410 ANTITRUST	
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	DRUG	[] 423 WITHDRAWAL	[] 430 BANKS & BANKING	
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 625 DRUG RELATED	28 USC 157	[] 450 COMMERCE	
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	SEIZURE OF		[] 460 DEPORTATION	
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT	PROPERTY	PROPERTY RIGHTS	[] 470 RACKETEER INFLU-	
OVERPAYMENT &	EMPLOYERS'	LIABILITY	[] 630 LIQUOR LAWS	[] 820 COPYRIGHTS	ENCED & CORRUPT	
ENFORCEMENT OF	LIABILITY	PERSONAL PROPERTY	[] 640 RR & TRUCK	[] 830 PATENT	ORGANIZATION ACT	
JUDGMENT	[] 340 MARINE	[] 370 OTHER FRAUD	[] 650 AIRLINE REGS	[] 840 TRADEMARK	(RICO)	
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 371 TRUTH IN LENDING	[] 660 OCCUPATIONAL		[] 480 CONSUMER CREDIT	
[] 152 RECOVERY OF	LIABILITY	[] 380 OTHER PERSONAL	SAFETY/HEALTH	SOCIAL SECURITY	[] 490 CABLE/SATELLITE TV	
DEFAULTED	[] 350 MOTOR VEHICLE	PROPERTY DAMAGE	[] 690 OTHER	[] 861 HIA (1395ff)	[] 810 SELECTIVE SERVICE	
STUDENT LOANS	[] 355 MOTOR VEHICLE	PRODUCT LIABILITY	LABOR	[] 862 BLACK LUNG (923)	[] 850 SECURITIES/	
(EXCL VETERANS)	PRODUCT LIABILITY	[] 385 OTHER PERSONAL	[] 710 FAIR LABOR	[] 863 DIWC/DIWW (405(g))	COMMODITIES/	
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	PROPERTY DAMAGE	[] 720 LABOR/MGMT	[] 864 SSID TITLE XVI	EXCHANGE	
VETERAN'S BENEFITS	INJURY	PRODUCT LIABILITY	RELATIONS	[] 865 RSI (405(g))	[] 875 CUSTOMER	
[] 160 STOCKHOLDERS SUITS			[] 730 LABOR/MGMT		CHALLENGE	
[] 190 OTHER CONTRACT	ACTIONS UNDER STATUTES		REPORTING &	FEDERAL TAX SUITS	12 USC 3410	
[] 195 CONTRACT PRODUCT	CIVIL RIGHTS	PRISONER PETITIONS	DISCLOSURE ACT	[] 870 TAXES (U.S. Plaintiff or	[] 890 OTHER STATUTORY	
LIABILITY	[] 441 VOTING	[] 510 MOTIONS TO	[] 740 RAILWAY LABOR ACT	Defendant)	ACTIONS	
[] 196 FRANCHISE	[] 442 EMPLOYMENT	VACATE SENTENCE	[] 790 OTHER LABOR	[] 871 IRS-THIRD PARTY	[] 891 AGRICULTURAL ACTS	
	[] 443 HOUSING/	20 USC 2255	LITIGATION	26 USC 7609	[] 892 ECONOMIC	
REAL PROPERTY	ACCOMMODATIONS	[] 530 HABEAS CORPUS	[] 791 EMPL RET INC		STABILIZATION ACT	
[] 210 LAND CONDEMNATION	[] 444 WELFARE	[] 535 DEATH PENALTY	SECURITY ACT		[] 893 ENVIRONMENTAL	
[] 220 FORECLOSURE	[] 445 AMERICANS WITH	[] 540 MANDAMUS & OTHER	IMMIGRATION		MATTERS	
[] 230 RENT LEASE &	DISABILITIES -	[] 550 CIVIL RIGHTS	[] 462 NATURALIZATION		[] 894 ENERGY	
EJECTMENT	EMPLOYMENT	[] 555 PRISON CONDITION	APPLICATION		ALLOCATION ACT	
[] 240 TORTS TO LAND	[] 446 AMERICANS WITH		[] 463 HABEAS CORPUS-		[] 895 FREEDOM OF	
[] 245 TORT PRODUCT	DISABILITIES -OTHER		ALIEN DETAINEE		INFORMATION ACT	
LIABILITY	[] 440 OTHER CIVIL RIGHTS		OTHER IMMIGRATION		APPEAL OF FEE	
[] 290 ALL OTHER			ACTIONS		DETERMINATION	
REAL PROPERTY					UNDER EQUAL ACCESS	
					TO JUSTICE	
					[] 950 CONSTITUTIONALITY	
					OF STATE STATUTES	

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)**

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 10/18/2011 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[] YES (DATE ADMITTED Mo. _____ Yr. _____)
Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)